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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# SENATE RESOLUTION

No. 393 Session of  
2018

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INTRODUCED BY BAKER, JUNE 22, 2018

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REFERRED TO LABOR AND INDUSTRY, JUNE 22, 2018

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A RESOLUTION

1 Establishing the Task Force on Harassment and Sexual Misconduct  
2 in the Workplace.

3 WHEREAS, The General Assembly finds and declares as follows:

4 (1) Recent events require a review of laws and  
5 procedures relating to the prevention of and response to  
6 harassment and sexual misconduct in the workplace and the  
7 policies implemented for the protection and safety of  
8 employees.

9 (2) A review of these laws and procedures will help to  
10 ensure that employers in this Commonwealth are able to  
11 adequately protect their employees.

12 (3) Therefore, the General Assembly shall establish a  
13 task force to conduct a thorough and comprehensive review to  
14 ascertain inadequacies of the laws, regulations or policies  
15 of this Commonwealth relating to the prevention of and  
16 response to harassment and sexual misconduct in the  
17 workplace;

18 therefore be it

1       RESOLVED, That the Task Force on Harassment and Sexual  
2 Misconduct in the Workplace be established; and be it further  
3       RESOLVED, That the task force consist of the following  
4 members, appointed within 25 days after the adoption of this  
5 resolution:

6           (1) Six members knowledgeable and experienced in issues  
7 relating to the prevention of and response to harassment and  
8 sexual misconduct in the workplace as follows:

9           (i) Three members, who may be members of the Senate,  
10 appointed by the President pro tempore of the Senate, in  
11 consultation with the Majority Leader and the Minority  
12 Leader of the Senate as follows:

13           (A) One member shall be an attorney with  
14 significant practice expertise in the area of  
15 employment law.

16           (B) One member shall have significant experience  
17 in the human resources field.

18           (C) One member shall be an employer.

19           (ii) Three members, who may be members of the House  
20 of Representatives, shall be appointed by the Speaker of  
21 the House of Representatives, in consultation with the  
22 Majority Leader and Minority Leader of the House of  
23 Representatives as follows:

24           (A) One member shall be an attorney with  
25 significant practice expertise in the area of  
26 employment law.

27           (B) One member shall have significant experience  
28 in the human resources field.

29           (C) One member shall be an employer.

30           (2) Four members appointed by the Governor as follows:

1 (i) One member shall be a member of the general  
2 public.

3 (ii) One member shall be a member of a victim  
4 organization or a services organization who is directly  
5 involved in providing services to victims of harassment  
6 and sexual misconduct in the workplace.

7 (iii) One member shall be an attorney with  
8 significant experience representing plaintiffs who have  
9 been victims of harassment and sexual misconduct in the  
10 workplace.

11 (iv) The Secretary of Administration, or a designee  
12 who shall be an employee of the Governor's Office of  
13 Administration.

14 (3) The Secretary of Labor and Industry, or a designee  
15 who shall be an employee of the Department of Labor and  
16 Industry appointed in writing with a copy submitted to the  
17 chairperson of the task force;

18 and be it further

19 RESOLVED, That the task force select the chairperson from  
20 among the members; and be it further

21 RESOLVED, That the task force conduct its business as  
22 follows:

23 (1) The physical presence of six members constitutes a  
24 quorum of the task force.

25 (2) Action of the task force shall be authorized or  
26 ratified by a majority vote of its members.

27 (3) A member not physically present may participate by  
28 teleconference or video conference.

29 (4) The following shall apply:

30 (i) The task force shall meet as necessary, but no

1 fewer than five times prior to March 31, 2019. Additional  
2 meetings may be called by the chairperson as necessary.

3 (ii) The chairperson shall schedule a meeting upon  
4 written request of eight members of the task force.

5 (iii) The first meeting shall be convened within 45  
6 days.

7 (iv) The task force shall hold public hearings as  
8 necessary to obtain the information required to conduct  
9 its review.

10 (v) The Department of Labor and Industry, the  
11 Pennsylvania Human Relations Commission and the Office of  
12 Administration shall cooperate to provide administrative  
13 or other assistance to the task force.

14 (vi) Members shall not receive compensation, but  
15 shall be reimbursed for reasonable and necessary expenses  
16 incurred in service of the task force;

17 and be it further

18 RESOLVED, That the task force have the following powers:

19 (1) To examine and analyze the practices, processes and  
20 procedures relating to the prevention of and response to  
21 harassment and sexual misconduct in the workplace.

22 (2) To review and analyze law, procedures, practices and  
23 rules relating to the prevention of and response to  
24 harassment and sexual misconduct in the workplace.

25 (3) To hold public hearings for the taking of testimony  
26 and the requesting of documents;

27 and be it further

28 RESOLVED, That the chairperson of the task force have the  
29 powers:

30 (1) To administer oaths and affirmations to witnesses

1 appearing before the task force.

2 (2) To grant a one-time extension up to 30 days of the  
3 report deadline upon written notification to the Governor,  
4 President pro tempore of the Senate and the Speaker of the  
5 House of Representatives.

6 (3) To grant a one-time extension of the task force  
7 expiration in accordance to the extension of the report  
8 deadline;

9 and be it further

10 RESOLVED, That the task force have the following duties:

11 (1) To accept and review written comments from  
12 individuals and organizations.

13 (2) To make, by May 31, 2019, a final report to the  
14 Governor, the Senate and the House of Representatives.

15 (3) Based on the review, the report under paragraph (2)  
16 shall include the following recommendations:

17 (i) To improve the reporting of harassment and  
18 sexual misconduct in the workplace.

19 (ii) To implement any necessary changes to State  
20 statutes and practices, policies or procedures relating  
21 to the prevention of and response to harassment and  
22 sexual misconduct in the workplace.

23 (iii) To encourage Pennsylvania employers to adopt  
24 effective training practices in the workplace for the  
25 prevention of and response to harassment and sexual  
26 misconduct.

27 (4) To make reports as follows:

28 (i) The task force may file status reports and  
29 updates with the Governor, the Senate and the House of  
30 Representatives as it deems appropriate.

1           (ii) A report under this paragraph shall be adopted  
2           at a public meeting.

3           (iii) A report under this paragraph shall be a  
4           public record under the act of February 14, 2008 (P.L.6,  
5           No.3), known as the Right-to-Know Law;

6           and be it further

7           RESOLVED, That the task force expire June 30, 2019.